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# Refugee Admissions and Resettlement Policy

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# Summary

A refugee is a person fleeing his or her country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Typically, the annual number of refugees that can be admitted into the United States, known as the refugee ceiling, and the allocation of these numbers by region are set by the President after consultation with Congress at the start of each fiscal year. For FY2015, the worldwide refugee ceiling is 70,000, with 68,000 admissions numbers allocated among the regions of the world and 2,000 numbers comprising an unallocated reserve. An unallocated reserve is to be used if, and where, a need develops for refugee slots in excess of the allocated numbers. The FY2015 regional allocations are, as follows: Africa (17,000), East Asia (13,000), Europe and Central Asia (1,000), Latin America/Caribbean (4,000), and Near East/South Asia (33,000).

Overseas processing of refugees is conducted through a system of three priorities for admission. *Priority 1* comprises cases involving persons facing compelling security concerns. *Priority 2* comprises cases involving persons from specific groups of special humanitarian concern to the United States (e.g., Iranian religious minorities). *Priority 3* comprises family reunification cases involving close relatives of persons admitted as refugees or granted asylum.

Special legislative provisions make it easier for members of certain groups to obtain refugee status. The "Lautenberg Amendment," which was first enacted in 1989, allows certain former Soviet and Indochinese nationals to qualify for refugee status based on their membership in a protected category with a credible fear of persecution. In 2004, Congress amended the Lautenberg Amendment to add the "Specter Amendment," which requires the designation of categories of Iranian religious minorities whose cases are to be adjudicated under the Lautenberg Amendment's reduced evidentiary standard. Subsequent laws extended the Lautenberg Amendment, as amended by the Specter Amendment. Most recently, the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235) extends the Lautenberg Amendment through September 30, 2015.

The Department of Health and Human Services' Office of Refugee Resettlement (HHS/ORR) administers an initial transitional assistance program for temporarily dependent refugees, Cuban/Haitian entrants, and others. The FY2015 appropriation for refugee and entrant assistance in P.L. 113-235 is $1,559,884,000.

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# Background and Definitions

The admission of refugees to the United States and their resettlement here are authorized by the Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980.[1] The 1980 Act had two basic purposes: (1) to provide a uniform procedure for refugee admissions; and (2) to authorize federal assistance to resettle refugees and promote their self-sufficiency. The intent of the legislation was to end an ad hoc approach to refugee admissions and resettlement that had characterized U.S. refugee policy since World War II.

Under the INA, a *refugee* is a person who is outside his or her country and who is unable or unwilling to return because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.[2] In special circumstances, a refugee also may be a person who is within his or her country and who is persecuted or has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Excluded from the INA definition of a refugee is any person who participated in the persecution of another.[3]

Refugees are processed and admitted to the United States from abroad. The Department of State (DOS) handles overseas processing of refugees and U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) makes final determinations about eligibility for admission. Separate provision is made in the INA for the granting of *asylum* on a case-by-case basis to aliens who are physically present in the United States or at a land border or port of entry and who meet the definition of a refugee.[4] After one year in refugee status in the United States, refugees are required to apply to adjust to lawful permanent resident (LPR) status.[5]

# Refugee Admissions

The United States aims to consider for resettlement at least half of the refugees referred by the United Nations High Commissioner for Refugees (UNHCR) for resettlement worldwide each year, depending on the availability of funding. By law, the annual number of refugee admissions and the allocation of these numbers by region of the world are set by the President after consultation with Congress.[6] Each year, the President submits a report to the House of Representatives and the Senate, known as the *consultation document*, which contains the Administration's proposed worldwide refugee ceiling and regional allocations for the upcoming fiscal year.[7] Following congressional consultations on the Administration's proposal, the

[1] The INA is Act of June 27, 1952, ch. 477, codified, as amended, at 8 U.S.C. §§1101 *et seq*. The Refugee Act is P.L. 96-212, March 17, 1980.

[2] This definition conforms with the definition used in the United Nations Convention and Protocol relating to the status of refugees.

[3] INA §101(a)(42).

[4] INA §208..

[5] INA §209(a). Asylees (those granted asylum) may apply for LPR status after one year, but are not required to do so. There are no numerical limitations on refugee or asylee adjustments of status.

[6] INA §207(a).

[7] The consultation document for FY2015 is U.S. Department of State, U.S. Department of Homeland Security, and U.S. Department of Health and Human Services, *Proposed Refugee Admissions for Fiscal Year 2015: Report to the Congress*, http://www.state.gov/documents/organization/232029.pdf (hereinafter cited as *Proposed Refugee Admissions*
(continued...)

President issues a Presidential Determination setting the refugee numbers for that year.[8] **Table 1** shows refugee admissions ceilings and regional allocations for FY2004-FY2015.

The U.S. refugee program was greatly impacted by the terrorist attacks of September 11, 2001. In the aftermath of those attacks, a review of refugee-related security procedures was undertaken, refugee admissions were briefly suspended, and enhanced security measures were implemented. As a result of these and other factors, actual refugee admissions, which had totaled about 70,000 in FY2001, plunged to historically low levels in the years following the attacks. In FY2002, for example, actual admissions totaled 27,131.[9]

Admissions subsequently rebounded, as shown in **Table 1**, exceeding 70,000 in each of FY2009 and FY2010, when the refugee ceiling was 80,000. As also shown in **Table 1**, however, there were significantly fewer admissions in FY2011 (56,424) and FY2012 (58,238), when the refugee ceiling was 80,000 and 76,000, respectively. The FY2013 consultation document attributed the shortfalls in refugee arrivals in FY2011 and FY2012 largely to new security requirements.[10]

Refugee admissions increased in FY2013 and FY2014, totaling 69,927 and 69,987 respectively, just under each year's refugee ceiling of 70,000.The FY2014 and FY2015 consultation documents provided the following explanations for the increases. According to the FY2014 consultation document:

> Refugee arrivals in FY 2013 are up sharply from the previous two years thanks to the concerted efforts of the many partners involved in U.S. resettlement... This success was made possible in part by better synchronization of security and medical checks for refugee families as well as investments in UNHCR's ability to refer refugees from the Middle East and Africa.[11]

According to the FY2015 consultation document:

> Refugee arrivals in FY 2014 will again come close to reaching the President's authorized ceiling of 70,000. Close interagency coordination on security checks helped to make this possible because it allowed us to scrutinize and process referrals more carefully and efficiently. We also helped the UN High Commissioner for Refugees (UNHCR) enhance its capacity to refer refugees for resettlement which in turn helped our program reach its ceiling.[12]

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(...continued)

*for Fiscal Year 2015*).

[8] Asylees are not included in the refugee ceiling. There are no numerical limitations on the granting of asylum.

[9] Prior to the 2001 terrorist attacks, annual refugee admissions had not been below 30,000 since FY1977, when admissions totaled about 20,000. From FY1979 through FY2001, annual refugee admissions totaled more than 60,000. For annual data on refugee admissions by region since FY1987, see **Appendix**.

[10] U.S. Department of State, U.S. Department of Homeland Security, and U.S. Department of Health and Human Services, *Proposed Refugee Admissions for Fiscal Year 2013: Report to the Congress*, pp. iv-v, http://www.state.gov/documents/organization/198157.pdf.

[11] U.S. Department of State, U.S. Department of Homeland Security, and U.S. Department of Health and Human Services, *Proposed Refugee Admissions for Fiscal Year 2014: Report to the Congress*, p. ii, http://www.state.gov/documents/organization/219137.pdf (hereinafter cited as *Proposed Refugee Admissions for Fiscal Year 2014*).

[12] *Proposed Refugee Admissions for Fiscal Year 2015*, p. ii.

## Table 1. Refugee Admissions Ceilings and Regional Allocations, FY2004-FY2015

| Region | FY2004 | FY2005 | FY2006 | FY2007 | FY2008 | FY2009 | FY2010 | FY2011 | FY2012 | FY2013 | FY2014 | FY2015 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Africa | 30,000[a] | 21,000[b] | 20,000 | 22,000 | 16,000 | 12,000 | 15,500 | 15,000 | 12,000 | 15,950[c] | 17,500[d] | 17,000 |
| East Asia | 8,500[a] | 13,000 | 15,000 | 16,000[e] | 20,000 | 20,500[f] | 18,000[g] | 19,000 | 18,000 | 16,600[c] | 14,700[d] | 13,000 |
| Europe and Central Asia | 13,000 | 15,500[b] | 15,000 | 6,500 | 3,000 | 2,500 | 2,500 | 2,000 | 2,000 | 650[c] | 1,000 | 1,000 |
| Latin America/Caribbean | 3,500 | 7,000[b] | 5,000 | 5,000 | 5,000[h] | 5,500[f] | 5,500[g] | 5,500 | 5,500 | 4,400[c] | 4,300[d] | 4,000 |
| Near East/South Asia | 3,000[a] | 3,500[b] | 5,000 | 9,000[e] | 28,000 | 39,500[f] | 38,000[g] | 35,500 | 35,500 | 32,400[c] | 32,500[d] | 33,000 |
| Unallocated | 12,000[a] | 10,000[b] | 10,000 | 11,500[e] | 8,000[h] | —[f] | 500[g] | 3,000 | 3,000 | —[c] | —[d] | 2,000 |
| **Total ceilings** | **70,000** | **70,000** | **70,000** | **70,000** | **80,000** | **80,000** | **80,000** | **80,000** | **76,000** | **70,000** | **70,000** | **70,000** |
| Actual admissions | 52,873 | 53,813 | 41,223 | 48,282 | 60,191 | 74,654 | 73,311 | 56,424 | 58,238 | 69,927 | 69,987 | NA |

**Sources:** For ceiling and allocation data: PD 2004-06, October 21, 2003; PD 2004-53, September 30, 2004; PD 2006-3, October 24, 2005; PD 2007-1, October 11, 2006; PD 2008-1, October 2, 2007; PD 2008-29, September 30, 2008; PD 2009-32, September 30, 2009; PD 2011-02, October 8, 2010; PD 2011-17, September 30, 2011; PD 2012–17, September 28, 2012; PD 2014–01, October 2, 2013; PD 2014–17, September 30, 2014. U.S. Department of State, U.S. Department of Justice, and U.S. Department of Health and Human Services, *Proposed Refugee Admissions ...* , FY2004-FY2015. For actual admissions data: U.S. Department of State, Bureau of Population, Refugees and Migration.

a. Of the FY2004 ceiling of 70,000, 50,000 numbers were originally allocated by region and 20,000 were unallocated. The unallocated reserve was tapped during the year to provide 8,000 additional numbers to Africa, East Asia, and Near East/South Asia.

b. Of the FY2005 ceiling of 70,000, 50,000 numbers were originally allocated by region and 20,000 were unallocated. The unallocated reserve was tapped during the year to provide 10,000 additional numbers to Africa, Europe and Central Asia, Latin America/Caribbean, and Near East/South Asia.

c. Of the FY2013 ceiling of 70,000, 67,000 numbers were originally allocated by region and 3,000 were unallocated. The unallocated reserve was tapped and regional allocations were shifted during the year to provide additional numbers to Africa and Near East/South Asia; all the original regional allocations were changed.

d. Of the FY2014 ceiling of 70,000, 68,000 numbers were originally allocated by region and 2,000 were unallocated. The unallocated reserve was tapped and regional allocations were shifted during the year to provide additional numbers to Africa and East Asia; all the original regional allocations were changed except that for Europe and Central Asia.

e. Of the FY2007 ceiling of 70,000, 50,000 numbers were originally allocated by region and 20,000 were unallocated. The unallocated reserve was tapped during the year to provide 8,500 additional numbers to East Asia and Near East/South Asia.

f. Of the FY2009 ceiling of 80,000, 75,000 numbers were originally allocated by region and 5,000 were unallocated. The unallocated reserve was tapped during the year to provide 5,000 additional numbers to East Asia, Latin America/Caribbean, and Near East/South Asia.

g. Of the FY2010 ceiling of 80,000, 75,000 numbers were originally allocated by region and 5,000 were unallocated. The unallocated reserve was tapped during the year to provide 4,500 additional numbers to East Asia, Latin America/Caribbean, and Near East/South Asia.

h. Of the FY2008 ceiling of 80,000, 70,000 numbers were originally allocated by region and 10,000 were unallocated. The unallocated reserve was tapped during the year to provide 2,000 additional numbers to Latin America/Caribbean.

## FY2015 Refugee Ceiling and Allocations

On September 30, 2014, President Obama signed the Presidential Determination setting the FY2015 worldwide refugee ceiling and regional levels.[13] As indicated in **Table 1**, the FY2015 ceiling is 70,000.

The FY2015 refugee ceiling of 70,000 includes 68,000 admissions numbers allocated among the regions of the world and an unallocated reserve of 2,000 numbers. The FY2015 regional allocations are intended to cover previously approved refugees in the pipeline as well as new cases. An unallocated reserve is to be used if, and where, a need develops for refugee slots in excess of the allocated numbers. This has occurred in recent years, as detailed in **Table 1**.

Africa has been allocated 17,000 refugee admissions numbers for FY2015. The FY2014 allocation to the region was originally 15,000 but was increased to 17,500 to accommodate additional admissions. FY2014 admissions totaled 17,476.[14] FY2015 admissions are expected to come primarily from East Africa and to include Somalis, Eritreans, and Congolese, among others.

East Asia's FY2015 allocation is 13,000, compared to a revised FY2014 allocation of 14,700. FY2014 admissions totaled 14,784. FY2014 admissions are expected to consist primarily of Burmese refugees living in Malaysia and Thailand.

Europe and Central Asia have a combined FY2015 allocation of 1,000 refugee numbers, the same as the FY2014 allocation. FY2014 admissions for this region totaled 959. The 2015 allocation includes projected admissions of "Lautenberg Amendment" cases from the former Soviet Union (see "Lautenberg Amendment and Specter Amendment").

The FY2015 allocation for Latin America and the Caribbean is 4,000, compared to a revised FY2014 allocation of 4,300. FY2014 admissions totaled 4,318. Cubans account for the vast majority of admissions from this region.

The Near East/South Asia FY2015 allocation is 33,000, compared to a revised FY2014 allocation of 32,500. FY2014 admissions totaled 32,450. FY2015 admissions are expected to include Iraqis, Bhutanese, Iranians, Syrians, Pakistanis, and Afghans.

## Refugee Processing Priorities

DOS is responsible for overseas processing of refugees. Generally, it arranges for a non-governmental organization (NGO), an international organization, or U.S. embassy contractors to manage a Resettlement Support Center (RSC) that assists in refugee processing. RSC staff conduct pre-screening interviews of prospective refugees and prepare cases for submission to USCIS, which handles refugee adjudications. Overseas refugee processing is conducted through a system of three priorities for admission. These priorities are separate and distinct from whether such persons qualify for refugee status.

[13] U.S. President [Obama], "Presidential Determination on Refugee Admissions for Fiscal Year 2015," Presidential Determination No. 2014–171 of September 30, 2014, 79 *Federal Register*, pp. 69753-69754, November 21, 2014.

[14] See **Appendix** for annual refugee admissions numbers by region since FY1987.

*Priority 1* covers refugees for whom resettlement seems to be the appropriate durable solution, who are referred to the U.S. refugee program by UNHCR, a U.S. embassy, or a designated NGO. Such persons often have compelling protection needs, and may be in danger of attack or of being returned to the country they fled. All nationalities are eligible for this priority.

*Priority 2* covers groups of special humanitarian concern to the United States. It includes specific groups that may be defined by their nationalities, clans, ethnicities, or other characteristics. Unlike Priority 1 cases, individuals falling under Priority 2 are able to access the U.S. refugee program without a UNHCR, embassy, or NGO referral. Some P-2 groups, such as Cuban dissidents and certain former Soviet nationals (see "Lautenberg Amendment and Specter Amendment"), are processed in their country of origin. A new P-2 group designated for FY2015, which is being processed in-country, is for certain minors in El Salvador, Guatemala, and Honduras. This program, known as the Central American Minors (CAM) program, is limited to minors with parents who are lawfully present in the United States.

Some Priority 2 groups are processed outside their country of origin. These include Burmese in refugee camps in Thailand and Iranian religious minorities processed in Austria and Turkey (see "Lautenberg Amendment and Specter Amendment"). Another P-2 group, Iraqis associated with the United States, is eligible for in-country processing in Iraq as well as processing outside that country.[15]

*Priority 3* covers family reunification cases. Refugee applications under Priority 3 are based upon an *affidavit of relationship* (AOR) filed by an eligible relative in the United States. The Priority 3 program is limited to designated nationalities. For FY2015, Priority 3 processing is available to nationals of 24 countries.[16] Individuals falling under Priority 3, like those falling under Priority 2, are able to access the U.S. refugee program without a UNHCR, embassy, or NGO referral.

The Priority 3 program has changed over the years. Since FY2004, qualifying family members have been the spouses, unmarried children under age 21, and parents of persons who were admitted to the United States as refugees or granted asylum.[17] In October 2008, the U.S. refugee program stopped accepting applications under Priority 3.[18] Earlier in 2008, processing of Priority

[15] The Refugee Crisis in Iraq Act of 2007 (Division A, Title XII, Subtitle C of P.L. 110-181, January 28, 2008) designates certain Iraqis for P-2 processing.

[16] The countries are: Afghanistan, Bhutan, Burma, Burundi, Central African Republic, Colombia, Cuba, Democratic People's Republic of Korea (DPRK), Democratic Republic of Congo (DRC), El Salvador, Eritrea, Ethiopia, Guatemala, Haiti, Honduras, Iran, Iraq, Mali, Somalia, South Sudan, Sri Lanka, Sudan, Syria, and Uzbekistan. *Proposed Refugee Admissions for Fiscal Year 2015*, p. 13.

[17] During the late 1990s, the State Department found that a large number of Priority 3 applications were received from persons who did not qualify for refugee status and that there was a significant amount of fraud associated with these applications. To address these problems, the U.S. government reduced the number of nationalities eligible for such refugee slots. For FY2003, four nationalities were eligible for Priority 3 processing. For FY2004, the Priority 3 program was revised on a pilot basis. To simultaneously broaden access to the program and continue to address concerns about fraud, the number of eligible nationalities was increased to nine, while the types of qualifying relationships were restricted. As noted above, eligibility for Priority 3 currently requires a qualifying relationship with an individual who was admitted to the United States as a refugee or granted asylum. Prior to FY2004, this processing priority was available to those with qualifying relationships with a much wider range of legal U.S. residents without regard to how these residents gained admission to the United States. In another change, since FY2004, children have to be under age 21 to be eligible for Priority 3. In the past, this processing priority was also available to older unmarried sons and daughters. These changes to the Priority 3 qualifying relationships have remained in place since FY2004.

[18] U.S. Department of State, Bureau of Population, Refugees, and Migration, "Fraud in the Refugee Family Reunification (Priority Three) Program," fact sheet, December 4, 2008, http://2001-2009.state.gov/g/prm/refadm/rls/fs/ (continued...)

3 cases was suspended in certain locations in Africa "due to indications of extremely high rates of fraud obtained through pilot DNA testing."[19] The Priority 3 program resumed in October 2012 with a new AOR form and requirement for DNA evidence of certain claimed biological parent-child relationships. The first arrivals in the United States under the revamped P-3 program are expected in FY2015.

## Refugee Adjudications

USCIS is responsible for adjudicating refugee cases. It makes determinations about whether an individual qualifies for refugee status and is otherwise admissible to the United States. In the past, the majority of refugee adjudications were conducted by USCIS officers on temporary duty from domestic asylum offices. Today, these adjudications are handled by USCIS officers in the Refugee Corps.

### Admissibility of Refugees

In order to be admitted to the United States, a prospective refugee must be *admissible* under immigration law. The INA sets forth various grounds of inadmissibility, which include health-related grounds, security-related grounds, public charge (i.e., indigence), and lack of proper documentation. Some inadmissibility grounds (public charge, lack of proper documentation) are not applicable to refugees. Others can be waived for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.[20] Of particular relevance to the admission of refugees are certain health-related and security-related grounds of inadmissibility.

Under the INA health-related grounds of inadmissibility, an alien who is determined, in accordance with Department of Health and Human Services (HHS) regulations, to have a communicable disease of public health significance is inadmissible. Until recently, human immunodeficiency virus (HIV) infection was defined to be one of these diseases, although HIV-infected refugees could apply for a waiver. In 2008, Congress amended the INA to eliminate the reference to HIV infection as a health-related ground of inadmissibility.[21] And effective January 4, 2010, the Centers for Disease Control and Prevention (CDC) of HHS amended its regulations to remove HIV infection from the definition of a communicable disease of public health significance.[22]

Since 1990, the security-related grounds of inadmissibility in the INA have expressly included terrorism-related grounds. Over the years, the terrorism-related grounds have been amended to lower the threshold for how substantial, apparent, and immediate an alien's support for a terrorist activity or organization may be for the alien to be rendered inadmissible.[23] Among the current

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2008/112760.htm.

[19] *Proposed Refugee Admissions for Fiscal Year 2014*, p. 12.

[20] Certain grounds of inadmissibility, including most security-related grounds, cannot be waived.

[21] P.L. 110-293, Title III, §305, July 30, 2008.

[22] U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, "Medical Examination of Aliens—Removal of Human Immunodeficiency Virus (HIV) Infection From Definition of Communicable Disease of Public Health Significance," 74 *Federal Register*, pp. 56547-56562, November 2, 2009.

[23] See archived CRS Report RL32564, *Immigration: Terrorist Grounds for Exclusion and Removal of Aliens*, by (continued...)

terrorism-related grounds, an alien is generally inadmissible for engaging in terrorist activity if he or she gives any material support, such as a safe house, transportation, communications, or funds, to a terrorist organization or any of its members or to a person engaged in terrorist activity. The Secretary of State or the Secretary of DHS, after consultation with the other and the Attorney General, may exercise discretionary waiver authority over certain terrorism-related grounds of inadmissibility. Both the Secretary of State and the Secretary of DHS have exercised this waiver authority with respect to certain categories of individuals.

The Consolidated Appropriations Act, 2008, specifies groups that, for purposes of the INA terrorism-related grounds of inadmissibility, are not to be considered terrorist organizations on the basis of past acts.[24] Thus, a prospective refugee who was a member of, or provided support to, one of these groups would not be inadmissible on the basis of those actions. More broadly, the Consolidated Appropriations Act expands the discretionary authority of the Secretary of State and the Secretary of DHS to grant waivers of the terrorism-related grounds of inadmissibility generally.

## Special Refugee Provisions

### Lautenberg Amendment and Specter Amendment

The "Lautenberg Amendment" is a provision of the FY1990 Foreign Operations Appropriations Act. It requires the Attorney General to designate categories of former Soviet and Indochinese nationals for whom less evidence is needed to prove refugee status, and provides for adjustment to permanent resident status of certain Soviet and Indochinese nationals granted parole after being denied refugee status.[25] To be eligible to apply for refugee status under the special provision, an individual must have close family in the United States. Applicants under the Lautenberg standard are required to prove that they are members of a protected category with a credible, but not necessarily individual, fear of persecution. By contrast, the INA requires prospective refugees to establish a well-founded fear of persecution on an individual basis.

The Lautenberg Amendment has been regularly extended in appropriations acts, although there have often been gaps between extensions. The Consolidated Appropriations Act, 2004, in addition to extending the amendment through FY2004, amended the Lautenberg Amendment to add a new provision known as the "Specter Amendment."[26] The Specter Amendment requires the designation of categories of Iranian nationals, specifically religious minorities, for whom less evidence is needed to prove refugee status. The Consolidated and Further Continuing

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[24] P.L. 110-161, Division J, Title VI, §691, December 26, 2007. DHS and DOS followed this enactment with a series of *Federal Register* notices similarly stating that the terrorism-related grounds of inadmissibility would generally be waived with respect to any assistance provided by an alien to any of the entities expressly exempted by the Consolidated Appropriations Act, 2008, from being deemed terrorist organizations. U.S. Department of Homeland Security, Office of the Secretary, and Department of State, Office of the Secretary, "Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act" [10 separate notices with same title], 73 *Federal Register* 34770-34777, June 18, 2008.

[25] P.L. 101-167, Title V, §599D and §599E, November 21, 1989. Parole is a temporary authorization to enter the United States and is typically granted when the alien's entry is determined to be in the public interest.

[26] P.L. 108-199, Division E, Title II, §213, January 23, 2004.

Appropriations Act, 2015 (P.L. 113-235) extends the Lautenberg Amendment through September 30, 2015.[27]

### Vietnamese Refugees

The "McCain Amendment," which is no longer in effect, was first enacted in the FY1997 Omnibus Consolidated Appropriations Act.[28] It covered certain adult children, whose parents were Vietnamese re-education camp survivors and had been accepted for U.S. refugee resettlement. The amendment made the adult children eligible for U.S. refugee resettlement. It was subsequently amended and extended through FY1999.

In November 1999, the McCain Amendment was re-enacted in revised form for FY2000 and FY2001 in the Consolidated Appropriations Act, 2000.[29] As revised, it applied to the adult children of a re-education camp survivor who was residing in the United States or awaiting departure from Vietnam and who, after April 1995, was accepted for U.S. refugee resettlement or for admission as an immediate relative immigrant. The April 1995 date restriction did not apply to children who were previously denied refugee resettlement because their documents did not show continuous co-residency with their parent.

Legislation to amend and extend the provision through FY2003 was approved by the 107th Congress in May 2002.[30] This law eliminated the existing April 1995 date restriction. Thus, children who were previously denied refugee resettlement for reasons other than co-residency could also have their cases reconsidered. This revised provision, which was regularly extended,[31] is sometimes referred to as the "McCain-Davis Amendment." The McCain-Davis Amendment was last extended, through FY2010, by the Omnibus Appropriations Act, 2009.[32] This extension was repealed, however, by the Consolidated Appropriations Act, 2010.[33]

## Refugee Resettlement Assistance

The Department of Health and Human Services' Office of Refugee Resettlement (HHS/ORR), within the Administration for Children and Families (ACF), administers an initial transitional assistance program for temporarily dependent refugees, Cuban/Haitian entrants, and other specified groups. Since its establishment in 1980, the refugee resettlement program has been justified on the grounds that the admission of refugees is a federal decision, entailing some federal responsibility. Unlike immigrants who enter through family or employment ties, refugees are admitted on humanitarian grounds, and there is no requirement that they demonstrate economic self-sufficiency.

[27] P.L. 113-235, Div. J, §7034(l)(8), December 16, 2014.

[28] Section 584 of P.L. 104-208, Division A, Section 101(c), September 30, 1996.

[29] P.L. 106-113, Appendix G, Division A, §255, November 29, 1999.

[30] P.L. 107-185, May 30, 2002.

[31] It was extended by P.L. 108-447, P.L. 109-102, and P.L. 110-161.

[32] P.L. 111-8, Division H, §7034(d), March 11, 2009.

[33] P.L. 111-117, Division F, §7034(d).

For FY2015, the Consolidated and Further Continuing Appropriations Act, 2015, provides $1,559,884,000 for ORR programs. **Table 2** details refugee resettlement funding for FY2006-FY2015.

**Table 2. Refugee Resettlement Funding, FY2006-FY2015**

(budget authority in millions of dollars)

| Programs | FY06 Actual | FY07 Enacted | FY08 Enacted[a] | FY09 Estimate | FY10 Enacted | FY11 Enacted | FY12 Actual | FY13 Enacted | FY14 Actual | FY15 Enacted |
|---|---|---|---|---|---|---|---|---|---|---|
| Transitional/Cash and Medical Services | $265.4 | $265.5 | $301.3 | $282.3 | $353.3 | $352.6 | $323.2 | $401.1 | $391.5 | $383.3 |
| Victims of Trafficking[b] | 9.8 | 9.8 | 10.0 | 9.8 | 9.8 | 9.8 | 9.8 | 9.3 | 13.8 | 15.8 |
| Social Services | 153.9 | 154.0 | 156.7 | 154.0 | 154.0 | 153.7 | 124.3 | 149.9 | 149.9 | 149.9 |
| Victims of Torture[c] | 9.8 | 9.8 | 10.0 | 10.8 | 11.1 | 11.1 | 11.0 | 10.7 | 10.7 | 10.7 |
| Preventive Health | 4.7 | 4.7 | 4.8 | 4.7 | 4,7 | 4,7 | 4,7 | 4.6 | 4.6 | 4.6 |
| Targeted Assistance | 48.6 | 48.6 | 49.5 | 48.6 | 48.6 | 48.5 | 28.1 | 47.6 | 47.6 | 47.6 |
| Unaccompanied Alien Children[d] | 77.2 | 95.3 | 135.0 | 123.1 | 149.4 | 149.1 | 267.2 | 376.1 | 911.8 | 948.0 |
| **Total[e]** | **$569.4** | **$587.8** | **$667.3** | **$633.4** | **$730.9** | **$729.5** | **$768.3** | **$999.4** | **$1,529.9** | **$1,559.9** |

**Sources:** U.S. Department of Health and Human Services, Administration for Children and Families, *Justifications of Estimates for Appropriations Committees*, FY2005-FY2016; U.S. Department of Health and Human Services, Administration for Children and Families, ACF All-Purpose Table, 2005-2007, 2012-2013; U.S. Congress, Conference Committees, *Departments of Transportation and Housing and Urban Development, and Related Agencies Appropriations Act, 2010*, conference report to accompany H.R. 3288, 111th Cong., 1st sess., H.Rept. 111-366, Labor-Health and Human Services-Education funding table, p. 1292; "Explanatory Statement Submitted by Mr. Rogers of Kentucky, Chairman of the House Committee on Appropriations Regarding the House Amendment to the Senate Amendment on H.R. 83," Labor-Health and Human Services-Education funding table, *Congressional Record*, daily edition, vol. 160 (December 11, 2014), p. 9874.

a. Amounts do not reflect rescission.

b. Funding used primarily for administrative cost of certifying that an alien is a trafficking victim for purposes of receiving benefits and services.

c. Funding used for rehabilitation services, social services, and legal services for torture victims and for provision of research and training to health care providers.

d. Program serves children under age 18 who do not have lawful immigration status and do not have a parent or legal guardian in the United States available to provide physical custody and care.

e. Sum of amounts may not equal total due to rounding.

ORR-funded refugee assistance activities include refugee cash and medical assistance, social services to help refugees become socially and economically self-sufficient, and targeted assistance for impacted areas. Special refugee cash assistance (RCA) and refugee medical assistance (RMA) are the heart of the refugee program, accounting for a greater portion of the

ORR annual budget than any other activity for refugees (see **Table 2**).[34] RCA and RMA, which in most cases are administered by states, are intended to help needy refugees who are ineligible to receive benefits from mainstream federal assistance programs. RCA and RMA are currently available to refugees for eight months after entry.[35] RMA benefits are based on the state's Medicaid program, and RCA payments are now based on the state's Temporary Assistance for Needy Families (TANF) payment to a family unit of the same size.[36]

The ORR program was significantly affected by the 1996 welfare reform act and subsequent amendments.[37] Prior to this legislation, refugees who otherwise met the requirements of federal public assistance programs were immediately and indefinitely eligible to participate in them just like U.S. citizens. Now, refugees and other specified humanitarian entrants are subject to time limits. **Table 3** summarizes the time limits on refugee eligibility for four major public assistance programs.

**Table 3. Refugee Eligibility for Major Federal Public Assistance Programs**

| Program | Eligibility |
|---|---|
| Supplemental Security Income (SSI) for the Aged, Blind and Disabled | Eligible for seven years after entry.[a] |
| Medicaid (non-emergency care) | Eligible for seven years after entry, then state option. |
| TANF | Eligible for five years after entry, then state option. |
| Supplemental Nutrition Assistance Program (SNAP) (formerly, Food Stamps) | Eligible without time limits. |

a. A temporary provision (in P.L. 110-328, September 30, 2008) extended to nine years (during FY2009 through FY2011) the period of eligibility of certain refugees and others for SSI benefits, provided that specified criteria were met.

[34] Although the unaccompanied alien children (UAC) program is under ORR, it is not a program for refugees. See table notes accompanying **Table 2**. The separate unaccompanied refugee minors program serves refugee children in the United States who do not have a parent or other relative available to provide care; it is funded through the transitional/cash and medical services program.

[35] INA §412(e)(1) authorizes ORR to reimburse states for RCA and RMA for 36 months. Initially, beginning in April 1980, RCA and RMA were available for the full 36 months. As appropriations levels decreased in subsequent years, however, the period of coverage was reduced. Since October 1991, RCA and RMA have been available to needy refugees for eight months after entry.

[36] For additional discussion of ORR assistance, see archived CRS Report R41570, *U.S. Refugee Resettlement Assistance*, by Andorra Bruno.

[37] The 1996 welfare reform law is the Personal Responsibility and Work Opportunity Reconciliation Act, P.L. 104-193, August 22, 1996.

# Appendix. Refugee Admissions by Region, FY1987-FY2014

| FY | Africa | East Asia | Eastern Europe | Former Soviet Union | Latin America/ Caribbean | Near East/ South Asia | Total |
|---|---|---|---|---|---|---|---|
| 1987 | 1,990 | 40,099 | 8,396 | 3,699 | 323 | 10,021 | **64,528** |
| 1988 | 1,593 | 35,371 | 7,510 | 20,411 | 3,230[a] | 8,368 | **76,483** |
| 1989 | 1,902 | 45,722 | 8,752 | 39,602 | 4,116[a] | 6,976[a] | **107,070** |
| 1990 | 3,453 | 51,604[a] | 6,094 | 50,628 | 5,308[a] | 4,979 | **122,066** |
| 1991 | 4,420 | 53,522 | 6,837 | 39,226 | 4,042[a] | 5,342 | **113,389** |
| 1992 | 5,470 | 51,899 | 2,915 | 61,397 | 3,947[a] | 6,903 | **132,531** |
| 1993 | 6,967 | 49,817 | 2,582 | 48,773 | 4,322[a] | 6,987 | **119,448** |
| 1994 | 5,860 | 43,564 | 7,707 | 43,854 | 6,156 | 5,840 | **112,981** |
| 1995 | 4,827 | 36,987 | 10,070 | 35,951 | 7,629 | 4,510 | **99,974** |
| 1996 | 7,604 | 19,321 | 12,145 | 29,816 | 3,550 | 3,967 | **76,403** |
| 1997 | 6,065 | 8,594 | 21,401 | 27,331 | 2,996 | 4,101 | **70,488** |
| 1998 | 6,887 | 10,854 | 30,842 | 23,557 | 1,627 | 3,313 | **77,080** |
| 1999 | 13,043 | 10,206 | 38,658 | 17,410 | 2,110 | 4,098 | **85,525** |
| 2000 | 17,561 | 4,561 | 22,561 | 15,103 | 3,232 | 10,129 | **73,147** |
| 2001 | 19,020 | 4,163 | 15,794 | 15,978 | 2,975 | 11,956 | **69,886** |
| 2002 | 2,551 | 3,512 | 5,459 | 9,969 | 1,934 | 3,706 | **27,131** |
| 2003 | 10,714 | 1,724 | 2,506 | 8,744 | 455 | 4,260 | **28,403** |
| 2004 | 29,104 | 8,084 | 9,254[b] | | 3,577 | 2,854 | **52,873** |
| 2005 | 20,745 | 12,076 | 11,316[b] | | 6,699 | 2,977 | **53,813** |
| 2006 | 18,126 | 5,659 | 10,456[b] | | 3,264 | 3,718 | **41,223** |
| 2007 | 17,483 | 15,643 | 4,560[b] | | 2,976 | 7,620 | **48,282** |
| 2008 | 8,935 | 19,489 | 2,343[b] | | 4,277 | 25,147 | **60,191** |
| 2009 | 9,670 | 19,850 | 1,997[b] | | 4,857 | 38,280 | **74,654** |
| 2010 | 13,305 | 17,716 | 1,526[b] | | 4,982 | 35,782 | **73,311** |
| 2011 | 7,685 | 17,367 | 1,228[b] | | 2,976 | 27,168 | **56,424** |
| 2012 | 10,608 | 14,366 | 1,129[b] | | 2,078 | 30,057 | **58,238** |
| 2013 | 15,980 | 16,537 | 580 | | 4,439 | 32,391 | **69,927** |
| 2014 | 17,476 | 14,784 | 959 | | 4,318 | 32,450 | **69,987** |

**Source:** U.S. Department of State, Bureau of Population, Refugees and Migration.

**Notes:** Data for FY1987-FY2000 are as of June 30, 2002. Data for FY2001-FY2013 are as of January 31, 2014. Data for FY2014 are as of December 31, 2014.

a. Includes refugees admitted under the Private Sector Initiative (PSI), most of whom were Cuban.

b. Beginning in FY2004, the categories of Eastern Europe and the Former Soviet Union were combined into a single category, Europe and Central Asia. These are the total admissions under that category.

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